

EXHIBIT M

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28 Attorneys for Defendants
1 SAP AG, SAP AMERICA, INC., and
2 TOMORROWNOW, INC.

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

20 SAN FRANCISCO DIVISION

21 ORACLE CORPORATION, a Delaware
22 corporation, ORACLE USA, INC., a Colorado
23 corporation, and ORACLE INTERNATIONAL
24 CORPORATION, a California corporation,

25 Plaintiffs,
26 v.
27 SAP AG, a German corporation, SAP
28 AMERICA, INC., a Delaware corporation,
TOMORROWNOW, INC., a Texas corporation,
and DOES 1-50, inclusive,

Defendants.

Case No. 07-CV-1658 MJJ

DEFENDANT TOMORROWNOW,
INC.'S RESPONSE TO PLAINTIFF
ORACLE'S SECOND 30(B)(6)
NOTICE OF DEPOSITION OF
TOMORROWNOW

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TOPIC NO. 1:

Your creation and Use of Customer Environments, including without limitation:

- b. The manner and method by which Customer Local Environments were created, stored, and Used by You;
- c. The identity of all PSFT and JDE Customers for whom You created any type of Customer Local Environment;
- d. The total number of Customer Local Environments created for each identified Customer;

1. The process by which Customer Local Environments were Used as part of the ordinary course of business for SAP TN, including without limitation to on-boarding of new Customers; support of Customer cases, issues, and problems; reactive and proactive development of bug fixes, updates, patches, explanations, or regulatory changes for Customers; research into and design of those changes; troubleshooting for Customers; and testing of other operating system levels;

RESPONSE TO TOPIC NO. 1(b):

TomorrowNow objects that this Topic is vague and that it is unduly burdensome and overbroad with respect to the term “Used.” Subject to and without waiving the General Objections, TomorrowNow agrees to produce Mark Kreutz, John Baugh and Shelley Nelson as witnesses on Topic 1(b).

1 **RESPONSE TO TOPIC NO. 1(c):**

2 Subject to and without waiving the General Objections, TomorrowNow agrees to produce
3 Mark Kreutz and John Baugh as witnesses on Topic 1(c).

4 **RESPONSE TO TOPIC NO. 1(d):**

5 Subject to and without waiving the General Objections, TomorrowNow agrees to produce
6 Mark Kreutz and John Baugh as witnesses on Topic 1(d).

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5 **RESPONSE TO TOPIC NO. 1(l):**

6 TomorrowNow objects that this Topic is overbroad and unduly burdensome. Subject to
7 and without waiving the General Objections, TomorrowNow agrees to produce Mark Kreutz,
8 John Baugh and Shelley Nelson as witnesses on Topic 1(l).

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Dated: January 22, 2008

JONES DAY

By: Greg Lanier Jr.
Tharan Gregory Lanier

* signed
with permission

Counsel for Defendants
SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.

PROOF OF SERVICE

I, Jacqueline Lew, declare:

I am a citizen of the United States and employed in Santa Clara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1755 Embarcadero Road, Palo Alto, California 94303. On January 22, 2008, I served a copy of the attached document(s):

**DEFENDANT TOMORROWNOW, INC.'S RESPONSE TO PLAINTIFF
ORACLE'S SECOND 30(B)(6) NOTICE OF DEPOSITION OF
TOMORROWNOW**

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
 - by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Palo Alto, California addressed as set forth below.
 - by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
 - by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
 - by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

Christopher B. Hockett
Geoffrey M. Howard
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Executed on January 22, 2008, at Palo Alto, California.

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Jacqueline Lew